

Article - Estates and Trusts

[\[Previous\]](#)[\[Next\]](#)

§11–112.

(a) In this section, “disqualified person” means a person who feloniously and intentionally kills, conspires to kill, or procures the killing of the decedent.

(b) (1) Except as provided in paragraph (2) of this subsection, a disqualified person shall be treated as if the disqualified person disclaimed the property or interest in the property at the time of the decedent’s death.

(2) The provisions of § 4–403 of this article do not apply to this section.

(3) A disqualified person shall be disqualified from:

(i) Inheriting;

(ii) Taking;

(iii) Enjoying;

(iv) Receiving; or

(v) Otherwise benefiting from the:

1. Death;

2. Probate estate; or

3. Nonprobate property of the decedent;

(vi) Receiving a general or special power of appointment conferred by the will or trust of the decedent; and

(vii) Serving as a personal representative, guardian, or trustee of a trust created by the decedent.

(c) (1) The survivorship interest of a disqualified person in property held with the decedent, including a form of co-ownership with incidents of survivorship, is severed at the time of the death of the decedent and the property passes as if the decedent and the disqualified person have no rights by survivorship.

(2) This section does not apply to the survivorship interest of a third party.

(d) A disqualified person who is a named beneficiary of a life insurance policy on the decedent or other contractual arrangement with the decedent is not entitled to a benefit under the policy or contractual arrangement.

(e) (1) (i) In a civil proceeding a person may allege that another person is a disqualified person.

(ii) A person may not file a civil action alleging that another person is a disqualified person after the later of:

1. 3 years from the date of the decedent's death; or
2. If the alleged disqualified person is criminally charged within 3 years from the date of the decedent's death with feloniously and intentionally killing, conspiring to kill, or procuring the killing of the decedent, 1 year from the date that the criminal charge is filed.

(2) On request of a party in a civil proceeding in which a person is alleged to be a disqualified person, the civil proceeding shall be stayed pending a final judgment in a case in which the alleged disqualified person is criminally charged with feloniously and intentionally killing, conspiring to kill, or procuring the killing of the decedent.

(3) (i) For purposes of this section, only a person who would be entitled to obtain property if another person is found to be a disqualified person, or the person's representative, may provide notice to a third party that another person is a disqualified person.

(ii) For purposes of this section, a person described in subparagraph (i) of this paragraph or the person's representative may not provide notice to a third party that a person is a disqualified person later than the time for filing a civil action described in this subsection.

(f) (1) A third party, including an insurance company, bank, or other obligor, making a payment according to the terms of a policy or obligation, is not liable by reason of this section unless, before the payment is made, the third party has received at the home office or principal address of the third party written notice of an alleged disqualified person under this section.

(2) A third party, including an insurance company, a bank, or any other obligor, who files an interpleader regarding an amount owed may not be liable to an alleged disqualified person for wrongful dishonor or any other claim relating to the amount owed.

(g) (1) A third party who purchases property for value and without notice or who receives a payment or other item of property in partial or full satisfaction of a legally enforceable obligation is not obligated under this section to return the payment, item of property, or benefit, and is not liable under this section for the amount of the payment or the value of the item of property or benefit.

(2) A person who, not for value, receives a payment, an item of property, or any other benefit to which the person is not entitled under this section is obligated to return the payment or item of property, and is personally liable for the amount of the payment or the value of the item of property or benefit to the person who is entitled to receive the payment, item of property, or other benefit.

(h) In the event a distribution is erroneously made to a disqualified person, the disqualified person shall make full restitution to the heir, legatee, beneficiary, or joint tenant who should have received the distribution in accordance with this section.

(i) Notwithstanding any other provision of this section, an interested person or a named beneficiary of a life insurance policy on the decedent or other contractual arrangement with the decedent may seek a determination in the proper court, by declaratory judgment or otherwise, that the person or named beneficiary is not a disqualified person and other relief.

(j) (1) A final conviction of felonious and intentional killing, conspiring to kill, or procuring the killing of a decedent is admissible in a civil proceeding in which a person is alleged to be a disqualified person and is conclusive for purposes of this section.

(2) In the absence of a final conviction described in paragraph (1) of this subsection, the trier of fact in a civil proceeding may determine by a preponderance of evidence whether a person feloniously and intentionally killed, conspired to kill, or procured the killing of the decedent for purposes of this section.

(3) Nothing in this section affects a right to a jury trial which otherwise exists.

[\[Previous\]](#)[\[Next\]](#)